

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 3:22-cv-00277-MMD-CSD

CHRISTOPHER HUBBLE,

Plaintiff

v.

DR. MARKS, et al.,

Defendants

**Order**

Re: ECF No. 3

Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections (NDOC), has filed an application to proceed in forma pauperis (IFP) and civil rights complaint.

Chief District Judge Miranda Du screened Plaintiff's complaint and has allowed him to proceed with an Eighth Amendment deliberate indifference to a serious medical need claim against Dr. Marks and NDOC's Medical Director and Director of Nursing (when he learns their identities). The claim is based on allegations that Plaintiff was diagnosed with spina bifida in 2007, but he was not told about his diagnosis. He has suffered severe chronic pain in his spine and joints. He sought medical treatment and was provided short-term pain medications that worked to treat his pain, but he was taken off them after a week. He told Dr. Marks, the Medical Director and Director of Nursing about his pain, but none of them helped or intervened to ensure he received appropriate treatment. (ECF No. 6.)<sup>1</sup>

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<sup>1</sup> His claims under the Equal Protection Clause and the Americans with Disabilities Act (ADA) were dismissed with leave to amend.

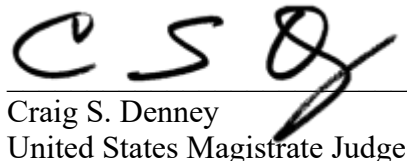
1 Plaintiff has also filed an emergency motion for a preliminary injunction, and Plaintiff  
2 requests, among other things, that he be provided adequate pain medication and medical  
3 intervention for further diagnostic treatment. (ECF No. 3.)

4 On or before **August 24, 2022**, the Attorney General's Office shall advise the court  
5 whether it will enter a limited notice of appearance on behalf of Defendants for the purpose of  
6 responding to Plaintiff's motion for preliminary injunction. If the Attorney General's Office is  
7 willing to enter a limited notice of appearance, then on or before **August 24, 2022**, the Attorney  
8 General's Office shall also file a response to Plaintiff's motion for preliminary injunction. In  
9 connection with the response, the Attorney General's Office shall file under seal any **relevant**  
10 medical records, kites and/or grievances. Plaintiff may kite the warden's office to review any  
11 records filed under seal, and the Attorney General's Office shall ensure that Plaintiff is given a  
12 reasonable amount of time to review these records. Plaintiff shall file his reply brief on or before  
13 **August 31, 2022**. The court will then determine whether to hold a hearing.

14 The Clerk of Court shall electronically serve a copy of this Order, a copy of Plaintiff's  
15 complaint (ECF No. 7), a copy of the order screening the complaint (ECF No. 6), as well as a  
16 copy of Plaintiff's motion for preliminary injunction (ECF No. 3) on the Nevada Attorney  
17 General's Office by adding the Nevada Attorney General's Office to the docket sheet. This will  
18 not constitute a general appearance.

19 **IT IS SO ORDERED.**

20 Dated: August 9, 2022

21   
22 Craig S. Denney  
23 United States Magistrate Judge